

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

CASE NO.:

JOSH BEEMAN,

Plaintiff,

v.

ROTO-ROOTER GROUP, INC. D/B/A
ROTO-ROOTER MANAGEMENT
COMPANY,

Defendant,

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff JOSH BEEMAN by and through his undersigned counsel, brings this Complaint against Defendant ROTO-ROOTER GROUP, INC. D/B/A ROTO-ROOTER MANAGEMENT COMPANY for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff JOSH BEEMAN (“Beeman”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Beeman's original copyrighted Work of authorship.

2. Beeman received his BFA in photography at Ohio University in 2003. Prior to starting his own photography company in 2008, he worked with Austin Bewsey Studios, a commercial photography company in Cincinnati. Beeman focuses primarily on architecture photography, using light to bring out texture and shape within a balanced composition, which sets his work apart from the rest.

SRIPLAW

CALIFORNIA ♦ GEORGIA ♦ FLORIDA ♦ INDIANA ♦ TENNESSEE ♦ NEW YORK

3. Defendant ROTO-ROOTER GROUP, INC D/B/A ROTO-ROOTER MANAGEMENT COMPANY (“Roto-Rooter”) is the largest provider of plumbing and drain cleaning services in North America, serving local communities in over 90% of the United States and parts of Canada. At all times relevant herein, Roto-Rooter owned and operated the internet website located at the URL www.rotorooter.com (the “Website”).

4. Beeman alleges that Defendant copied Beeman’s copyrighted Work from the internet to advertise, market and promote its business activities. Roto-Rooter committed the violations alleged in connection with its business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Ohio as it is headquartered within the state.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Roto-Rooter engaged in infringement in this district, Roto-Rooter resides in this district, and Roto-Rooter is subject to personal jurisdiction in this district.

DEFENDANT

9. Roto-Rooter Group, Inc. d/b/a Roto-Rooter Management Company is a Delaware Corporation, with its principal place of business at 2500 First Financial Center, 255 East Fifth Street, Cincinnati, OH, 45202-4726, and can be served by serving its Registered Agent, Corporation Service Company, 251 Little Falls Drive, Wilmington, DE 19808.

THE COPYRIGHTED WORK AT ISSUE

10. In 2020, Beeman created the photograph entitled “Roo_Valley_074,” which is shown below and referred to herein as the “Work”.



11. Beeman registered the Work with the Register of Copyrights on February 11, 2021, and was assigned registration number VA 2-247-779. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. The Work in perspective, orientation, positioning, lighting, and other details is entirely original and creative. As such, the Work qualifies as subject matter protectible under the Copyright Act.

13. At all relevant times Beeman was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY ROTO-ROOTER

14. Roto-Rooter has never been licensed to use the Work at issue in this action for any purpose.

15. On a date after the Work at issue in this action was created, but prior to the filing of this action, Roto-Rooter copied the Work.

16. On or about June 16, 2022, Beeman discovered the unauthorized use of it Work on the Website in a post on their “About Us” page detailing their efforts with the Cincinnati Zoo on “Water Sustainability Sponsor of the Cincinnati Zoo.”

17. Roto-Rooter copied Beeman's copyrighted Work without Beeman's permission.

18. After Roto-Rooter copied the Work, it distributed the Work on the internet to promote the sale of goods and services as part of its plumbing and drain service business.

19. Roto-Rooter copied and distributed Beeman's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Roto-Rooter committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

21. Beeman never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

22. Beeman notified Roto-Rooter of the allegations set forth herein on February 15, 2023 and May 11, 2023. To date, the parties have failed to resolve this matter.¹

¹ As of the date of the filing of this Complaint, the Work is still actively being displayed by Roto-Rooter without authorization at <https://www.rotorooter.com/about-us/cincinnati-zoo/>.

COUNT I
COPYRIGHT INFRINGEMENT

23. Beeman incorporates the allegations of paragraphs 1 through 22 of this Complaint as if fully set forth herein.

24. Beeman owns a valid copyright in the Work.

25. Beeman registered the Work with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

26. Roto-Rooter copied, displayed, and distributed the Work and made derivatives of the Work without Beeman's authorization in violation of 17 U.S.C. § 501.

27. Roto-Rooter performed the acts alleged in the course and scope of its business activities.

28. Defendant's acts were willful.

29. Beeman has been damaged.

30. The harm caused to Beeman has been irreparable.

WHEREFORE, Plaintiff JOSH BEEMAN prays for judgment against the Defendant ROTO-ROOTER GROUP, INC D/B/A ROTO-ROOTER MANAGEMENT COMPANY that:

a. Roto-Rooter and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. § 501;

b. Roto-Rooter be required to pay Beeman his actual damages and Defendant's profits attributable to the infringement, or, at Beeman's election, statutory damages, as provided in 17 U.S.C. § 504

c. Beeman be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

- d. Beeman be awarded pre- and post-judgment interest; and
- e. Beeman be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Beeman hereby demands a trial by jury of all issues so triable.

DATED: January 6, 2025

Respectfully submitted,

/s/ John D. Gugliotta

JOHN D. GUGLIOTTA (0062809)

johng@inventorshelp.com

GUGLIOTTA & GUGLIOTTA, LPA

3020 W. Market Street | Akron, OH 44333

P.O. Box 506 | Richfield, OH 44286

330.253.2225 – Telephone

330.253.6658 – Facsimile

Counsel for Plaintiff Josh Beeman